

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	2

MR. SPEAKER:

Your Committee on **Public Health**, to which was referred Senate Bill 335, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 16-18-2-19 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) "Applicant", for
- 5 purposes of IC 16-25, has the meaning set forth in IC 16-25-1.1-2.
- 6 (b) "Applicant", for purposes of IC 16-26-2, has the meaning set
- 7 forth in IC 16-26-2-1.
- 8 **(c) "Applicant", for purposes of IC 16-27-4, refers to an**
- 9 **applicant for a license under IC 16-27-4.**
- 10 SECTION 2. IC 16-27-4-6, AS ADDED BY P.L.212-2005,
- 11 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2007]: Sec. 6. (a) To operate a personal services agency, a
- 13 person must obtain a license from the state health commissioner. A
- 14 personal services agency may not be opened, operated, managed, or
- 15 maintained or conduct business without a license from the state

1 department. Each parent personal services agency must obtain a
2 separate license.

3 (b) A parent personal services agency may maintain branch offices
4 that operate under the license of the parent personal services agency.
5 Each branch office must be:

6 (1) at a location or site from which the personal services agency
7 provides services;

8 (2) owned and controlled by the parent personal services agency;
9 and

10 (3) located within a radius of one hundred twenty (120) miles of
11 the parent personal services agency.

12 (c) A license is required for any personal services agency providing
13 services in Indiana. An out-of-state personal services agency must be
14 authorized by the secretary of state to conduct business in Indiana and
15 have a branch office in Indiana.

16 (d) Application for a license to operate a personal services agency
17 must be:

18 (1) made on a form provided by the state department; and ~~must be~~

19 (2) accompanied by the payment of a fee of two hundred fifty
20 dollars (\$250).

21 **However, if the state department does not make forms available to**
22 **applicants, the state department shall accept an application for a**
23 **personal services agency license in any form.** The application may
24 not ~~require any seek any more~~ information ~~except as than the~~
25 **information** required under this chapter. **To the extent that an**
26 **application form requests additional information, the state**
27 **department may not deny the application of an applicant for**
28 **refusing to provide the additional information.**

29 ~~(e) After receiving~~ **Upon receipt of** a completed application, ~~that~~
30 **the state department shall review the application to ensure that the**
31 **information required by section 6.1 of this chapter is provided. If**
32 **the application contains all of the required information, the**
33 **information provided by the applicant demonstrates the applicant's**
34 **prima facie compliance with the requirements of this chapter, and if the**
35 **payment of applicant has paid** the fee required by subsection (d), the
36 state department shall issue ~~a~~ **an initial** license to the applicant to
37 operate a personal services agency. **If, after reviewing an application,**
38 **the state department is not satisfied that the applicant has**

demonstrated prima facie compliance with this chapter, the state department may conduct an onsite inspection to determine whether the applicant demonstrates prima facie compliance with this chapter. Any inspection must be completed not more than sixty (60) days after the date that the state department receives the application. The state department must either:

(1) issue the initial license to the applicant; or

(2) deny the application for the initial license;

within sixty (60) days after the date that the state department receives the application. If the state department fails to act upon an application within sixty (60) days, the application shall be treated as if it were approved, and the state department shall issue an initial license to the applicant.

(f) The state department may conduct an onsite inspection in conjunction with the issuance of an initial license or the renewal of a license.

(g) In the state department's consideration of:

(1) an application for licensure;

(2) an application for renewal of licensure;

(3) a complaint alleging noncompliance with the requirements of this chapter; or

(4) an investigation conducted under section 7(a) of this chapter;

the state department's onsite inspections in conjunction with those actions are limited to determining the personal service agency's compliance with the requirements of this chapter or permitting or aiding an illegal act in a personal services agency.

(h) Subject to subsections (e) and (f), when conducting an onsite inspection, the state department must receive all documents necessary to determine the personal service agency's compliance with the requirements of this chapter. A personal services agency must produce documents requested by the state department surveyor not less than twenty-four (24) hours after the documents have been requested.

(i) A license expires one (1) year after the date of issuance of the license under subsection (e). However, the state department may issue an initial license for a period of less than one (1) year to stagger the expiration dates. The licensee shall notify the state department in writing at least thirty (30) days before closing or selling the personal

services agency. **The holder of a license for a personal services agency must renew its license each year. A renewal application must:**

- (1) state the name of the personal services agency;**
- (2) state the license number; and**
- (3) provide information concerning any changes that have occurred in the information provided to the state department in the initial application or a renewal application.**

The renewal application must be accompanied by a renewal fee in an amount equal to the fee imposed for an initial license. Upon receipt of a renewal application and the accompanying fee, the state department shall issue a renewal license. A renewal license expires one (1) year after the date of issuance.

~~(j)~~ **(j)** A personal services agency license may not be transferred or assigned. Upon sale, assignment, lease, or other transfer, including transfers that qualify as a change in ownership, the new owner or person in interest must obtain a license from the state department under this chapter before maintaining, operating, or conducting the personal services agency.

~~(j)~~ **(k)** A home health agency licensed under IC 16-27-1 that operates a personal services agency within the home health agency is subject to the requirements of this chapter. The requirements under IC 16-27-1 do not apply to a home health agency's personal services agency. The requirements under this chapter do not apply to a home health agency's operations. A home health agency that is licensed under IC 16-27-1 is not required to obtain a license under this chapter.

~~(k)~~ **(l)** If a person who is licensed to operate a personal services agency is also licensed to operate a home health agency under IC 16-27-1, an onsite inspection for renewal of the person's personal services agency license must, to the extent feasible, be conducted at the same time as an onsite inspection for the home health agency license.

SECTION 3. IC 16-27-4-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.1. (a) An application under section 4 of this chapter for an initial license for a personal services agency must include the following information:

- (1) The name, address, voice telephone number, and fax number of the applicant. If the applicant has any branch**

locations, the application must include the address, voice telephone number, and fax number for each branch location.

(2) A description of the applicant's type or form of business.

(3) The name and office voice telephone number of the applicant's manager required under section 9 of this chapter, including the after hours contact telephone number to be used by clients.

(4) If the manager specified under subdivision (3) has designated any individual to act in the manager's place:

(A) the name and office voice telephone number for each designee; and

(B) a description of the responsibilities that have been delegated to each designee.

(5) The ownership, control, and management disclosures required under section 17(b) of this chapter.

(6) A description of the personal services that the applicant will provide.

(7) A list of the counties in which the applicant will provide personal services.

(8) A disclosure of whether the owners or managers have been involved with an individual or entity that has been denied a license to operate as a personal services agency or has had its license to operate as a personal services agency revoked.

(b) The following information must accompany an application for an initial license for a personal services agency:

(1) If the applicant is not a sole proprietorship, a copy of the organizing or incorporating documents that were filed with the secretary of state of the jurisdiction in which the applicant was created. If the applicant is an out-of-state entity, the applicant must include a copy of any documents filed by the personal services agency with the Indiana secretary of state.

(2) If an applicant is doing business under a name other than the name of the applicant, a copy of the document that was filed in Indiana to register the name.

(3) A copy of the Internal Revenue Service Form SS-4 or other documentation confirming the applicant's name and federal employer identification number.

(4) The following:

- 1 (A) A copy of the applicant's patient bill of rights.
- 2 (B) A copy of the applicant's form service plan.
- 3 (C) A copy of the applicant's policies and procedures
- 4 relating to preparing, reviewing, and revising service
- 5 plans.
- 6 (D) A copy of the applicant's policies and procedures for
- 7 client satisfaction review, including any forms used for this
- 8 purpose.
- 9 (E) A copy of the applicant's policies and procedures for
- 10 responding to and investigating a client complaint.
- 11 (F) A copy of the applicant's policies and procedures for
- 12 evaluating and training employees.
- 13 **(5) Documentation showing that the applicant has evaluated**
- 14 **and trained its employees as required by section 16 of this**
- 15 **chapter and has performed tuberculosis testing as required by**
- 16 **section 15 of this chapter.**

17 SECTION 4. IC 16-27-4-24 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2007]: **Sec. 24. The attorney general may do any combination of**
 20 **the following:**

- 21 (1) Seek an injunction of a violation described in section 23 of
- 22 this chapter in a circuit or superior court of the county where
- 23 the violation occurred.
- 24 (2) Initiate a complaint with a prosecuting attorney to
- 25 prosecute a violation described in section 23 of this chapter.

26 SECTION 5. IC 16-28-11-8 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 2007]: **Sec. 8. (a) This section does not apply to the**
 29 **implementation of a do not resuscitate order.**

30 **(b) This article does not require an employee of a health facility**
 31 **to provide cardiopulmonary resuscitation (CPR) or other**
 32 **intervention on a patient if a licensed nurse who is employed by the**
 33 **health facility has determined that the following criteria have been**
 34 **met:**

- 35 (1) The patient has experienced an unwitnessed cessation of
- 36 circulatory and respiratory functions.
- 37 (2) The patient is unresponsive.
- 38 (3) The patient's pupils are fixed and dilated.

1 **(4) The patient's body temperature indicates hypothermia.**

2 **(5) The patient has generalized cyanosis.**

3 **(6) The patient has livor mortis."**

4 Page 3, between lines 9 and 10, begin a new paragraph and insert:

5 "SECTION 8. IC 25-1-7-9, AS AMENDED BY HEA 1084-2007,
6 SECTION 166, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2007]: Sec. 9. A board member is disqualified
8 from any consideration of the case if the board member filed the
9 complaint or participated in negotiations regarding the complaint. The
10 board member is not disqualified from the board's final determination
11 solely because the board member was the hearing officer or determined
12 the complaint and the information pertaining to the complaint was
13 current significant investigative information (as defined by
14 ~~IC 25-23.2-1-5~~) (repeated); **IC 25-23.3-2-6).**

15 SECTION 9. IC 25-1-7-10 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) All complaints
17 and information pertaining to the complaints shall be held in strict
18 confidence until the attorney general files notice with the board of the
19 attorney general's intent to prosecute the licensee.

20 (b) A person in the employ of the office of attorney general or any
21 of the boards, or any person not a party to the complaint, may not
22 disclose or further a disclosure of information concerning the
23 complaint unless the disclosure is required:

24 (1) under law; or

25 (2) for the advancement of an investigation.

26 (c) ~~Notwithstanding subsections (a) and (b), under IC 25-23.2 the~~
27 state board of nursing may disclose to the coordinated licensure
28 information system (as defined by ~~IC 25-23.2-1-4~~) complaints and
29 information concerning complaints that the board determines to be
30 current significant investigative information (as defined by
31 ~~IC 25-23.2-1-5~~).

32 **(c) Notwithstanding subsections (a) and (b), under IC 25-23.3,**
33 **the state board of nursing may disclose to the coordinated licensure**
34 **information system (as defined in IC 25-23.3-2-5) complaints and**
35 **information concerning complaints that the board determines to be**
36 **current significant investigative information (as defined in**
37 **IC 25-23.3-2-6)."**

38 Page 13, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 19. IC 25-2.5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Subject to section 1 of this chapter, it is unlawful to practice acupuncture without a license issued under this article.

(b) Subject to subsection (c), it is unlawful for a licensed acupuncturist, other than a chiropractor licensed under IC 25-10, podiatrist licensed under IC 25-29, or dentist licensed under IC 25-14, to practice acupuncture on a patient unless the acupuncturist obtains:

(1) a written letter of referral; ~~and~~

(2) ~~either: (A)~~ a written diagnosis of the patient; or

~~(B)~~ (3) written documentation relating to the condition for which the patient receives acupuncture;

from an individual licensed under IC 25-22.5 within the twelve (12) months immediately preceding the date of acupuncture treatment.

(c) An acupuncturist licensed under this article may practice auricular acupuncture on a patient for the purpose of treating alcoholism, substance abuse, or chemical dependency without a written letter of referral or written diagnosis from a physician licensed under IC 25-22.5.

(d) If a licensed acupuncturist practices acupuncture on a patient after having obtained a written letter of referral or written diagnosis of the patient from a physician licensed under IC 25-22.5 as described in subsection (b), the physician is immune from civil liability relating to the patient's or acupuncturist's use of that diagnosis or referral except for acts or omissions of the physician that amount to gross negligence or willful or wanton misconduct."

Page 29, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 49. IC 25-23-1-1.1, AS AMENDED BY HEA 1084-2007, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.1. (a) As used in this chapter, "registered nurse" means a person who holds a valid license issued:

(1) under this chapter; **or**

(2) **by a party state (as defined in IC 25-23.3-2-12);** and

who bears primary responsibility and accountability for nursing practices based on specialized knowledge, judgment, and skill derived from the principles of biological, physical, and behavioral sciences.

(b) As used in this chapter, "registered nursing" means performance of services which include but are not limited to:

- 1 (1) assessing health conditions;
- 2 (2) deriving a nursing diagnosis;
- 3 (3) executing a nursing regimen through the selection,
- 4 performance, and management of nursing actions based on
- 5 nursing diagnoses;
- 6 (4) advocating the provision of health care services through
- 7 collaboration with or referral to other health professionals;
- 8 (5) executing regimens delegated by a physician with an
- 9 unlimited license to practice medicine or osteopathic medicine, a
- 10 licensed dentist, a licensed chiropractor, a licensed optometrist,
- 11 or a licensed podiatrist;
- 12 (6) teaching, administering, supervising, delegating, and
- 13 evaluating nursing practice;
- 14 (7) delegating tasks which assist in implementing the nursing,
- 15 medical, or dental regimen; or
- 16 (8) performing acts which are approved by the board or by the
- 17 board in collaboration with the medical licensing board of
- 18 Indiana.

19 (c) As used in this chapter, "assessing health conditions" means the
 20 collection of data through means such as interviews, observation, and
 21 inspection for the purpose of:

- 22 (1) deriving a nursing diagnosis;
- 23 (2) identifying the need for additional data collection by nursing
- 24 personnel; and
- 25 (3) identifying the need for additional data collection by other
- 26 health professionals.

27 (d) As used in this chapter, "nursing regimen" means preventive,
 28 restorative, maintenance, and promotion activities which include
 29 meeting or assisting with self-care needs, counseling, and teaching.

30 (e) As used in this chapter, "nursing diagnosis" means the
 31 identification of needs which are amenable to nursing regimen.

32 SECTION 50. IC 25-23-1-1.2, AS AMENDED BY HEA
 33 1084-2007, SECTION 171, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2007]: Sec. 1.2. As used in this chapter,
 35 "licensed practical nurse" means a person who holds a valid license
 36 issued under this chapter **or by a party state (as defined in**
 37 **IC 25-23.3-2-12)** and who functions at the direction of:

- 38 (1) a registered nurse;

- (2) a physician with an unlimited license to practice medicine or osteopathic medicine;
- (3) a licensed dentist;
- (4) a licensed chiropractor;
- (5) a licensed optometrist; or
- (6) a licensed podiatrist;

in the performance of activities commonly performed by practical nurses and requiring special knowledge or skill.

SECTION 51. IC 25-23-1-7, AS AMENDED BY HEA 1084-2007, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The board shall do the following:

- (1) Adopt under IC 4-22-2 rules necessary to enable it to carry into effect this chapter.
- (2) Prescribe standards and approve curricula for nursing education programs preparing persons for licensure under this chapter.
- (3) Provide for surveys of such programs at such times as it considers necessary.
- (4) Accredite such programs as meet the requirements of this chapter and of the board.
- (5) Deny or withdraw accreditation from nursing education programs for failure to meet prescribed curricula or other standards.
- (6) Examine, license, and renew the license of qualified applicants.
- (7) Issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings.
- (8) Cause the prosecution of all persons violating this chapter and have power to incur necessary expenses for these prosecutions.
- (9) Adopt rules under IC 4-22-2 that do the following:
 - (A) Prescribe standards for the competent practice of registered, practical, and advanced practice nursing.
 - (B) Establish with the approval of the medical licensing board created by IC 25-22.5-2-1 requirements that advanced practice nurses must meet to be granted authority to prescribe legend drugs and to retain that authority.
 - (C) Establish, with the approval of the medical licensing board

1 created by IC 25-22.5-2-1, requirements for the renewal of a
 2 practice agreement under section 19.4 of this chapter, which
 3 shall expire on October 31 in each odd-numbered year.

4 (10) Keep a record of all its proceedings.

5 (11) Collect and distribute annually demographic information on
 6 the number and type of registered nurses and licensed practical
 7 nurses employed in Indiana.

8 **(12) Adopt rules and administer the interstate nurse licensure**
 9 **compact under IC 25-23.3.**

10 (b) The board may do the following:

11 (1) Create ad hoc subcommittees representing the various nursing
 12 specialties and interests of the profession of nursing. Persons
 13 appointed to a subcommittee serve for terms as determined by the
 14 board.

15 (2) Utilize the appropriate subcommittees so as to assist the board
 16 with its responsibilities. The assistance provided by the
 17 subcommittees may include the following:

18 (A) Recommendation of rules necessary to carry out the duties
 19 of the board.

20 (B) Recommendations concerning educational programs and
 21 requirements.

22 (C) Recommendations regarding examinations and licensure
 23 of applicants.

24 (3) Appoint nurses to serve on each of the ad hoc subcommittees.

25 **(4) Withdraw from the interstate nurse licensure compact**
 26 **under IC 25-23.3.**

27 (c) Nurses appointed under subsection (b) must:

28 (1) be committed to advancing and safeguarding the nursing
 29 profession as a whole; and

30 (2) represent nurses who practice in the field directly affected by
 31 a subcommittee's actions.

32 SECTION 52. IC 25-23-1-11, AS AMENDED BY HEA 1084-2007,
 33 SECTION 173, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Any person who applies to
 35 the board for a license to practice as a registered nurse must:

36 (1) not have:

37 (A) been convicted of a crime that has a direct bearing on the
 38 person's ability to practice competently; or

- 1 (B) committed an act that would constitute a ground for a
 2 disciplinary sanction under IC 25-1-9;
- 3 (2) have completed:
- 4 (A) the prescribed curriculum and met the graduation
 5 requirements of a state accredited program of registered
 6 nursing that only accepts students who have a high school
 7 diploma or its equivalent as determined by the board; or
- 8 (B) the prescribed curriculum and graduation requirements of
 9 a nursing education program in a foreign country that is
 10 substantially equivalent to a board approved program as
 11 determined by the board. The board may by rule adopted under
 12 IC 4-22-2 require an applicant under this subsection to
 13 successfully complete an examination approved by the board
 14 to measure the applicant's qualifications and background in the
 15 practice of nursing and proficiency in the English language;
 16 and
- 17 (3) be physically and mentally capable of and professionally
 18 competent to safely engage in the practice of nursing as
 19 determined by the board.
- 20 The board may not require a person to have a baccalaureate degree in
 21 nursing as a prerequisite for licensure.
- 22 (b) The applicant must pass an examination in such subjects as the
 23 board may determine.
- 24 (c) The board may issue by endorsement a license to practice as a
 25 registered nurse to an applicant who has been licensed as a registered
 26 nurse, by examination, under the laws of another state if the applicant
 27 presents proof satisfactory to the board that, at the time that the
 28 applicant applies for an Indiana license by endorsement, the applicant
 29 holds a current license in another state and possesses credentials and
 30 qualifications that are substantially equivalent to requirements in
 31 Indiana for licensure by examination. The board may specify by rule
 32 what constitutes substantial equivalence under this subsection.
- 33 (d) The board may issue by endorsement a license to practice as a
 34 registered nurse to an applicant who:
- 35 (1) has completed the English version of the:
- 36 (A) Canadian Nurse Association Testing Service Examination
 37 (CNAT); or
 38 (B) Canadian Registered Nurse Examination (CRNE);

(2) achieved the passing score required on the examination at the time the examination was taken;

(3) is currently licensed in a Canadian province or in another state; and

(4) meets the other requirements under this section.

(e) Each applicant for examination and registration to practice as a registered nurse shall pay a fee set by the board, ~~The board may set a proctoring fee to be paid by applicants who are graduates of a state accredited school in another state; a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses.~~ Payment of the fee or fees shall be made by the applicant prior to the date of examination. **The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:**

(1) Twenty-five percent (25%) of the license application fee per license applied for under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

(f) Any person who holds a license to practice as a registered nurse in:

(1) Indiana; or

(2) a party state (as defined in IC 25-23.3-2-12);

may use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall practice or advertise as or assume the title of registered nurse or use the abbreviation of "R.N." or any other words, letters, signs, or figures to indicate that the person using same is a registered nurse.

SECTION 53. IC 25-23-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A person who applies to the board for a license to practice as a licensed practical nurse must:

(1) not have been convicted of:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the person's ability to practice competently;

- 1 (2) have completed:
- 2 (A) the prescribed curriculum and met the graduation
- 3 requirements of a state accredited program of practical nursing
- 4 that only accepts students who have a high school diploma or
- 5 its equivalent, as determined by the board; or
- 6 (B) the prescribed curriculum and graduation requirements of
- 7 a nursing education program in a foreign country that is
- 8 substantially equivalent to a board approved program as
- 9 determined by the board. The board may by rule adopted under
- 10 IC 4-22-2 require an applicant under this subsection to
- 11 successfully complete an examination approved by the board
- 12 to measure the applicant's qualifications and background in the
- 13 practice of nursing and proficiency in the English language;
- 14 and
- 15 (3) be physically and mentally capable of, and professionally
- 16 competent to, safely engage in the practice of practical nursing as
- 17 determined by the board.
- 18 (b) The applicant must pass an examination in such subjects as the
- 19 board may determine.
- 20 (c) The board may issue by endorsement a license to practice as a
- 21 licensed practical nurse to an applicant who has been licensed as a
- 22 licensed practical nurse, by examination, under the laws of another
- 23 state if the applicant presents proof satisfactory to the board that, at the
- 24 time of application for an Indiana license by endorsement, the applicant
- 25 possesses credentials and qualifications that are substantially
- 26 equivalent to requirements in Indiana for licensure by examination. The
- 27 board may specify by rule what shall constitute substantial equivalence
- 28 under this subsection.
- 29 (d) Each applicant for examination and registration to practice as a
- 30 practical nurse shall pay a fee set by the board, ~~The board may set a~~
- 31 ~~proctoring fee to be paid by applicants who are graduates of a state~~
- 32 ~~accredited school in another state; a part of which must be used for~~
- 33 **the rehabilitation of impaired registered nurses and impaired**
- 34 **licensed practical nurses.** Payment of the fees shall be made by the
- 35 applicant before the date of examination. **The lesser of the following**
- 36 **amounts from fees collected under this subsection shall be**
- 37 **deposited in the impaired nurses account of the state general fund**
- 38 **established by section 34 of this chapter:**

1 **(1) Twenty-five percent (25%) of the license application fee**
 2 **per license applied for under this section.**

3 **(2) The cost per license to operate the impaired nurses**
 4 **program, as determined by the Indiana professional licensing**
 5 **agency.**

6 (e) Any person who holds a license to practice as a licensed
 7 practical nurse in:

8 (1) Indiana; or

9 (2) a party state (as defined in ~~IC 25-23.2-1-11~~);
 10 **IC 25-23.3-2-12**);

11 may use the title "Licensed Practical Nurse" and the abbreviation
 12 "L.P.N.". No other person shall practice or advertise as or assume the
 13 title of licensed practical nurse or use the abbreviation of "L.P.N." or
 14 any other words, letters, signs, or figures to indicate that the person
 15 using them is a licensed practical nurse.

16 SECTION 54. IC 25-23-1-16.1, AS AMENDED BY P.L.1-2006,
 17 SECTION 451, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2007]: Sec. 16.1. (a) A license to practice as a
 19 registered nurse expires on October 31 in each odd-numbered year.
 20 Failure to renew the license on or before the expiration date will
 21 automatically render the license invalid without any action by the
 22 board.

23 (b) A license to practice as a licensed practical nurse expires on
 24 October 31 in each even-numbered year. Failure to renew the license
 25 on or before the expiration date will automatically render the license
 26 invalid without any action by the board.

27 (c) The procedures and fee for renewal shall be set by the board.

28 (d) At the time of license renewal, each registered nurse and each
 29 licensed practical nurse shall pay a renewal fee, a portion of which
 30 shall be for the rehabilitation of impaired registered nurses and
 31 impaired licensed practical nurses. The lesser of the following amounts
 32 from fees collected under this subsection shall be deposited in the
 33 impaired nurses account of the state general fund established by section
 34 34 of this chapter:

35 (1) ~~Sixteen percent (16%)~~ **Twenty-five percent (25%)** of the
 36 license renewal fee per license renewed under this section.

37 (2) The cost per license to operate the impaired nurses program,
 38 as determined by the Indiana professional licensing agency.

SECTION 55. IC 25-23-1-27, AS AMENDED BY HEA 1084-2007,
SECTION 175, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2007]: Sec. 27. A person who:

- (1) sells or fraudulently obtains or furnishes any nursing diploma, license, or record;
- (2) practices nursing under cover of any diploma or license or record illegally or fraudulently obtained or assigned or issued unlawfully or under fraudulent representation;
- (3) practices nursing as a registered nurse or licensed practical nurse unless licensed to do so under this chapter **or under IC 25-23.3;**
- (4) uses in connection with the person's name any designation tending to imply that the person is a registered nurse or a licensed practical nurse unless licensed to practice under this chapter **or under IC 25-23.3;**
- (5) practices nursing during the time the person's license issued under this chapter **or under IC 25-23.3** is suspended or revoked;
- (6) conducts a school of nursing or a program for the training of practical nurses unless the school or program has been accredited by the board; or
- (7) otherwise violates this chapter;

commits a Class B misdemeanor.

SECTION 56. IC 25-23-1-34, AS AMENDED BY HEA 1084-2007,
SECTION 176, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2007]: Sec. 34. (a) The impaired nurses account is established within the state general fund for the purpose of providing money for providing rehabilitation of impaired registered nurses or licensed practical nurses under this article. The account shall be administered by the Indiana professional licensing agency.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

- (1) Funds collected for the rehabilitation of impaired registered nurses and impaired licensed practical nurses under ~~section~~ **sections 11(e), 12(d), and 16.1(d)** of this chapter.
- (2) Funds collected under section 31(c)(2) of this chapter.
- (3) ~~Funds collected for the rehabilitation of impaired registered nurses and impaired licensed practical nurses under IC 25-23.2-3-5 (repeated).~~

~~(4)~~(3) Fines collected from registered nurses or licensed practical nurses under IC 25-1-9-9(a)(6).

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(d) Money in the account is appropriated to the board for the purpose stated in subsection (a).

SECTION 57. IC 25-23.3 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 23.3. INTERSTATE NURSE LICENSURE COMPACT

Chapter 1. Purpose

Sec. 1. It is the purpose of this compact to allow qualified nurses who are licensed in a compact state to practice nursing in another compact state and to reduce redundant licensing requirements of nurses who practice in multiple states.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Adverse action" means a home or remote state action.

Sec. 3. "Alternative program" means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.

Sec. 4. "Board" has the meaning set forth in IC 25-23-1-1.

Sec. 5. "Coordinated licensure information system" means an integrated process:

(1) for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws; and

(2) administered by a nonprofit organization composed of and controlled by state nurse licensing boards.

Sec. 6. "Current significant investigative information" means:

(1) investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

1 (2) investigative information that indicates that the nurse
2 represents an immediate threat to public health and safety
3 regardless of whether the nurse has been notified and has had
4 an opportunity to respond.

5 Sec. 7. "Home state" means the party state that is a nurse's
6 primary state of residence.

7 Sec. 8. "Home state action" means any administrative, civil,
8 equitable, or criminal action permitted by the home state's laws
9 that are imposed on a nurse by the home state's licensing board or
10 other authority, including an action against an individual's license,
11 such as revocation, suspension, probation, or any other action that
12 affects a nurse's authorization to practice.

13 Sec. 9. "Licensing board" means a party state's regulatory body
14 responsible for issuing nurse licenses.

15 Sec. 10. "Multistate licensure privilege" means current, official
16 authority from a remote state permitting the practice of nursing as
17 either a registered nurse or a licensed practical/vocational nurse in
18 that party state. All party states have the authority, in accordance
19 with state due process law, to take actions against the nurse's
20 privilege, such as revocation, suspension, probation, or any other
21 action that affects a nurse's authorization to practice.

22 Sec. 11. "Nurse" means a registered nurse or licensed
23 practical/vocational nurse as defined by the state practice laws of
24 each party state.

25 Sec. 12. "Party state" means any state that has adopted this
26 compact.

27 Sec. 13. "Remote state" means a party state, other than the
28 home state:

29 (1) where a patient is located at the time nursing care is
30 provided; or

31 (2) in the case of the practice of nursing not involving a
32 patient, in a party state where the recipient of nursing
33 practice is located.

34 Sec. 14. "Remote state action" means:

35 (1) any administrative, civil, equitable, or criminal action
36 permitted by a remote state's laws that are imposed on a
37 nurse by the remote state's licensing board or other authority,
38 including actions against an individual's multistate licensure

1 privilege to practice in the remote state; and
2 (2) cease and desist and other injunctive or equitable orders
3 issued by remote states or the licensing boards of remote
4 states.

5 Sec. 15. "State" means a state, territory, or possession of the
6 United States, the District of Columbia, or the Commonwealth of
7 Puerto Rico.

8 Sec. 16. "State practice laws" means the individual party state's
9 laws and rules that govern the practice of nursing, define the scope
10 of nursing practice, and create the methods and grounds for
11 imposing discipline. The term does not include the initial
12 qualifications for licensure or requirements necessary to obtain
13 and retain a license, except for qualifications or requirements of
14 the home state.

15 Chapter 3. General Provisions and Jurisdiction

16 Sec. 1. A license to practice registered nursing issued by a home
17 state to a resident in that state shall be recognized by each party
18 state as authorizing a multistate licensure privilege to practice as
19 a registered nurse in the party state. A license to practice licensed
20 practical/vocational nursing issued by a home state to a resident in
21 that state shall be recognized by each party state as authorizing a
22 multistate licensure privilege to practice as a licensed
23 practical/vocational nurse in the party state. To obtain or retain a
24 license, an applicant must meet the home state's qualifications for
25 licensure and license renewal and all other applicable state laws.

26 Sec. 2. Party states may, in accordance with state due process
27 laws, limit or revoke the multistate licensure privilege of any nurse
28 to practice in their state and may take any other actions under
29 their applicable state laws necessary to protect the health and
30 safety of their citizens. If a party state takes such an action, it shall
31 promptly notify the administrator of the coordinated licensure
32 information system. The administrator of the coordinated licensure
33 information system shall promptly notify the home state of any
34 such actions by remote states.

35 Sec. 3. A nurse practicing in a party state must comply with the
36 state practice laws of the state in which a patient is located at the
37 time care is rendered. In addition, the practice of nursing is not
38 limited to patient care, but includes all nursing practice as defined

by the state practice laws of a party state. The practice of nursing subjects a nurse to the jurisdiction of the nurse licensing board, the courts, and the laws in that party state.

Sec. 4. This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if a license is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

Sec. 5. Individuals not residing in a party state continue to be able to apply for nurse licensure as provided under the laws of each party state. However, the license granted to these individuals is not recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.

Chapter 4. Applications for Licensure in a Party State

Sec. 1. Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other party state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

Sec. 2. A nurse in a party state may hold licensure in only one (1) party state at a time, issued by the home state.

Sec. 3. A nurse who intends to change primary state of residence may apply for licensure in the new home state before the change. However, a new license may not be issued by a party state until a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.

Sec. 4. (a) If a nurse:

(1) changes primary state of residence by moving between two

(2) party states; and

(2) obtains a license from the new home state;

the license from the former home state is no longer valid.

(b) If a nurse:

(1) changes primary state or residence by moving from a

nonparty state to a party state; and

1 (2) obtains a license from the new home state;
 2 the individual state license issued by the nonparty state is not
 3 affected and remains in force if provided by the laws of the
 4 nonparty state.

5 (c) If a nurse changes primary state of residence by moving
 6 from a party state to a nonparty state, the license issued by the
 7 prior home state converts to an individual state license, valid only
 8 in the former home state, without multistate license privilege to
 9 practice in other party states.

10 Chapter 5. Adverse Actions

11 Sec. 1. The licensing board of a remote state shall promptly
 12 report to the administrator of the coordinated licensure
 13 information system any remote state actions, including the factual
 14 and legal basis for such actions, if known. The licensing board of a
 15 remote state shall promptly report any significant current
 16 investigative information yet to result in a remote state action. The
 17 administrator of the coordinated licensure information system
 18 shall promptly notify the home state of any such reports.

19 Sec. 2. The licensing board of a party state has authority to
 20 complete any pending investigations for a nurse who changes
 21 primary state of residence during the course of such investigations.
 22 The licensing board also has authority to take appropriate action
 23 and shall promptly report the conclusions of such investigations to
 24 the administrator of the coordinated licensure information system.
 25 The administrator of the coordinated licensure information system
 26 shall promptly notify the new home state of any such actions.

27 Sec. 3. A remote state may take adverse action affecting the
 28 multistate licensure privilege to practice within that party state.
 29 However, only the home state has authority to impose adverse
 30 action against the license issued by the home state.

31 Sec. 4. For purposes of imposing adverse action, the licensing
 32 board of the home state shall give the same priority and effect to
 33 reported conduct received from a remote state as it would if such
 34 conduct had occurred within the home state. In so doing, it shall
 35 apply its own state laws to determine appropriate action.

36 Sec. 5. The home state may take adverse action based on the
 37 factual findings of the remote state, so long as each state follows its
 38 own procedures for imposing such adverse action.

1 **Sec. 6. This compact does not override a party state's decision**
 2 **that participation in an alternative program may be used instead**
 3 **of licensure action and that such participation shall remain**
 4 **nonpublic if required by the party state's laws. Party states must**
 5 **require nurses who enter any alternative programs to agree not to**
 6 **practice in any other party state during the term of the alternative**
 7 **program without prior authorization from the other party state.**

8 **Chapter 6. Additional Authority Invested in Party State Nurse**
 9 **Licensing Boards**

10 **Sec. 1. Notwithstanding any other powers, party state nurse**
 11 **licensing boards may:**

12 **(1) if otherwise permitted by state law, recover from the**
 13 **affected nurse the costs of investigations and disposition of**
 14 **cases resulting from any adverse action taken against that**
 15 **nurse;**

16 **(2) issue subpoenas for both hearings and investigations that**
 17 **require the attendance and testimony of witnesses and the**
 18 **production of evidence. Subpoenas issued by a nurse licensing**
 19 **board in a party state for the attendance and testimony of**
 20 **witnesses and the production of evidence from another party**
 21 **state shall be enforced in the latter state by a court with**
 22 **jurisdiction, according to the practice and procedure of that**
 23 **court applicable to subpoenas issued in proceedings pending**
 24 **before it. The issuing authority shall pay any witness fees,**
 25 **travel expenses, mileage, and other fees required by the**
 26 **service statutes of the state where the witnesses and evidence**
 27 **are located;**

28 **(3) issue cease and desist orders to limit or revoke a nurse's**
 29 **authority to practice in their state; and**

30 **(4) adopt uniform rules as provided for in IC 25-23.3-8-3.**

31 **Chapter 7. Coordinated Licensure Information System**

32 **Sec. 1. All party states shall participate in a cooperative effort**
 33 **to create a coordinated data base of all licensed registered nurses**
 34 **and licensed practical/vocational nurses. This system includes**
 35 **information on the licensure and disciplinary history of each nurse,**
 36 **as contributed by party states, to assist in the coordination of nurse**
 37 **licensure and enforcement efforts.**

38 **Sec. 2. Notwithstanding any other law, all party states' licensing**

boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials to the coordinated licensure information system.

Sec. 3. Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

Sec. 4. Notwithstanding any other law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

Sec. 5. Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

Sec. 6. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

Sec. 7. The compact administrators, acting jointly and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

Chapter 8. Compact Administration and Interchange of Information

Sec. 1. The head of the nurse licensing board of each party state, or that person's designee, shall be the administrator of this compact for that person's state. For purposes of this article, the executive director of the Indiana professional licensing agency or the executive director's designee shall be the administrator of this compact.

1 **Sec. 2. The compact administrator of each party state shall**
 2 **furnish to the compact administrator of each other party state any**
 3 **information and documents, including, but not limited to, a**
 4 **uniform data set of investigations, identifying information,**
 5 **licensure data, and disclosable alternative program participation**
 6 **information, to facilitate the administration of this compact.**

7 **Sec. 3. Compact administrators may develop uniform rules to**
 8 **facilitate and coordinate implementation of this compact. These**
 9 **uniform rules shall be adopted by a board under IC 25-23.3-6-1.**

10 **Chapter 9. Immunity**

11 **Sec. 1. Neither a party state nor an officer, employee, or agent**
 12 **of a party state's nurse licensing board who acts in accordance**
 13 **with this compact is liable on account of any act or omission in**
 14 **good faith while engaged in the performance of duties under this**
 15 **compact. Good faith in this article does not include willful**
 16 **misconduct, gross negligence, or recklessness.**

17 **Chapter 10. Entry Into Force, Withdrawal, and Amendment**

18 **Sec. 1. This compact becomes effective as to any state when it**
 19 **has been enacted into the laws of that state. Any party state may**
 20 **withdraw from this compact.**

21 **Sec. 2. No withdrawal affects the validity or applicability by the**
 22 **licensing boards of states remaining party to the compact of any**
 23 **report of adverse action occurring before the withdrawal.**

24 **Sec. 3. This compact shall not be construed to invalidate or**
 25 **prevent any nurse licensure agreement or other cooperative**
 26 **arrangement between a party state and a nonparty state that is**
 27 **made in accordance with this compact.**

28 **Sec. 4. This compact may be amended by the party states. No**
 29 **amendment to this compact becomes effective and binding upon**
 30 **the party states unless and until it is enacted into the laws of all**
 31 **party states.**

32 **Chapter 11. Construction and Severability**

33 **Sec. 1. This compact shall be liberally construed to effectuate its**
 34 **purposes. The provisions of this compact are severable and if any**
 35 **phrase, clause, sentence, or provision of this compact is declared to**
 36 **be contrary to the constitution of any party state or of the United**
 37 **States or if the applicability of this compact to any government,**
 38 **agency, person, or circumstance is held invalid, the validity of the**

1 remainder of this compact and the applicability of this compact to
 2 any government, agency, person, or circumstance is not affected
 3 thereby. If this compact is held contrary to the constitution of any
 4 party state, this compact remains in full force and effect as to the
 5 remaining party states and in full force and effect as to the party
 6 state affected as to a severable matter.

7 **Sec. 2. If party states find a need for settling disputes arising**
 8 **under this compact:**

9 (1) the party states may submit the issues in dispute to an
 10 arbitration panel comprised of an individual appointed by the
 11 compact administrator in the home state, an individual
 12 appointed by the compact administrator in each remote state
 13 involved, and an individual mutually agreed upon by the
 14 compact administrators of all the party states involved in the
 15 dispute; and

16 (2) the decision of a majority of the arbitrators is final and
 17 binding.

18 **Sec. 3. This article expires July 1, 2011.**

19 SECTION 58. IC 25-23.6-3-1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) An individual
 21 may not:

22 (1) profess to be a licensed marriage and family therapist;

23 (2) use the title:

24 (A) "licensed marriage and family therapist";

25 (B) "marriage and family therapist"; or

26 (C) "family therapist";

27 (3) use any other words, letters, abbreviations, or insignia
 28 indicating or implying that the individual is a licensed marriage
 29 and family therapist; or

30 (4) practice marriage and family therapy for compensation;

31 unless the individual is licensed under ~~this article~~, IC 25-23.6-8-1,
 32 IC 25-22.5, or IC 25-33.

33 **(b) An individual may not:**

34 (1) profess to be a licensed marriage and family therapist
 35 associate;

36 (2) use the title:

37 (A) "licensed marriage and family therapist associate";

38 (B) "marriage and family therapist associate"; or

- 1 (C) "family therapist associate";
 2 (3) use any other words, letters, abbreviations, or insignia
 3 indicating or implying that the individual is a licensed
 4 marriage and family therapist associate; or
 5 (4) practice marriage and family therapy for compensation;
 6 unless the individual is licensed under IC 25-23.6-8-1.5, IC 25-22.5,
 7 or IC 25-33.

8 SECTION 59. IC 25-23.6-3-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) An individual
 10 who is licensed **under IC 25-23.6-8-1** as a marriage and family
 11 therapist shall:

- 12 (1) display the license or a clear copy of the license at each
 13 location where the marriage and family therapist regularly
 14 practices; and
 15 (2) include the words "licensed marriage and family therapist" or
 16 the letters "LMFT" on all promotional materials, including
 17 business cards, brochures, stationery, advertisements, and signs
 18 that name the individual.

19 **(b) An individual who is licensed under IC 25-23.6-8-1.5 as a**
 20 **marriage and family therapist associate shall:**

- 21 (1) display the license or a clear copy of the license at each
 22 location where the marriage and family therapist associate
 23 regularly practices; and
 24 (2) include the words "licensed marriage and family therapist
 25 associate" or the letters "LMFTA" on all promotional
 26 materials, including business cards, brochures, stationery,
 27 advertisements, and signs that name the individual.

28 SECTION 60. IC 25-23.6-8-1, AS AMENDED BY SEA 526-2007,
 29 SECTION 337, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2007]: Sec. 1. An individual who applies for a
 31 license as a marriage and family therapist must meet the following
 32 requirements:

- 33 (1) Furnish satisfactory evidence to the board that the individual
 34 has:
 35 (A) received a master's or doctor's degree in marriage and
 36 family therapy, or in a related area as determined by the board
 37 from an eligible postsecondary educational institution that
 38 meets the requirements under section 2.1(a)(1) of this chapter

1 or from a foreign school that has a program of study that meets
 2 the requirements under section 2.1(a)(2) or (2.1)(a)(3) of this
 3 chapter; and

4 (B) completed the educational requirements under section 2.5
 5 of this chapter.

6 **(2) Furnish satisfactory evidence to the board that the**
 7 **individual has met the clinical experience requirements under**
 8 **section 2.7 of this chapter.**

9 **(3) Furnish satisfactory evidence to the board that the**
 10 **individual:**

11 **(A) holds a marriage and family therapist associate license,**
 12 **in good standing, under section 1.5 of this chapter; or**

13 **(B) is licensed or certified to practice as a marriage and**
 14 **family therapist in another state and is otherwise qualified**
 15 **under this chapter.**

16 ~~(2)~~ **(4)** Furnish satisfactory evidence to the board that the
 17 individual does not have a conviction for a crime that has a direct
 18 bearing on the individual's ability to practice competently.

19 ~~(3)~~ **(5)** Furnish satisfactory evidence to the board that the
 20 individual has not been the subject of a disciplinary action by a
 21 licensing or certification agency of another state or jurisdiction on
 22 the grounds that the individual was not able to practice as a
 23 marriage and family therapist without endangering the public.

24 ~~(4)~~ **(6)** Pass an examination provided by the board.

25 ~~(5)~~ **(7)** Pay the fee established by the board.

26 SECTION 61. IC 25-23.6-8-1.5 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. An individual who applies for**
 29 **a license as a marriage and family therapist associate must meet**
 30 **the following requirements:**

31 **(1) Furnish satisfactory evidence to the board that the**
 32 **individual has:**

33 **(A) received a master's or doctor's degree in marriage and**
 34 **family therapy, or in a related area as determined by the**
 35 **board, from an eligible postsecondary educational**
 36 **institution that meets the requirements under section**
 37 **2.1(a)(1) of this chapter or from a foreign school that has**
 38 **a program of study that meets the requirements under**

1 section 2.1(a)(2) or 2.1(a)(3) of this chapter; and
 2 **(B) completed the educational requirements under section**
 3 **2.5 of this chapter.**

4 **(2) Furnish satisfactory evidence to the board that the**
 5 **individual does not have a conviction for a crime that has a**
 6 **direct bearing on the individual's ability to practice**
 7 **competently.**

8 **(3) Furnish satisfactory evidence to the board that the**
 9 **individual has not been the subject of a disciplinary action by**
 10 **a licensing or certification agency of another state or**
 11 **jurisdiction on the grounds that the individual was not able to**
 12 **practice as a marriage and family therapist without**
 13 **endangering the public.**

14 **(4) Pass an examination provided by the board.**

15 **(5) Pay the fee established by the board.**

16 SECTION 62. IC 25-23.6-8-2.1, AS AMENDED BY SEA
 17 526-2007, SECTION 338, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2007]: Sec. 2.1. (a) An applicant **for a license**
 19 **as a marriage and family therapist** under section 1 of this chapter **or**
 20 **an applicant for a license as a marriage and family therapist**
 21 **associate under section 1.5 of this chapter** must have received a
 22 master's or doctor's degree in marriage and family therapy, or in a
 23 related area as determined by the board, from an eligible postsecondary
 24 institution that meets the following requirements:

25 (1) If the institution was located in the United States or a territory
 26 of the United States, at the time of the applicant's graduation the
 27 institution was accredited by a regional accrediting body
 28 recognized by the Commission on Recognition of Postsecondary
 29 Accreditation.

30 (2) If the institution was located in Canada, at the time of the
 31 applicant's graduation the institution was a member in good
 32 standing with the Association of Universities and Colleges of
 33 Canada.

34 (3) If the institution was located in a foreign country other than
 35 Canada, at the time of the applicant's graduation the institution:

36 (A) was recognized by the government of the country where
 37 the school was located as a program to train in the practice of
 38 marriage and family therapy or psychotherapy; and

(B) maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(b) An applicant **for a license as a marriage and family therapist** under section 1 of this chapter **or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter** who has a master's or doctoral degree from a program that did not emphasize marriage and family therapy may complete the coursework requirement from an institution that is:

(1) accredited by the Commission on Accreditation for Marriage and Family Therapy Education; and

(2) recognized by the United States Department of Education.

SECTION 63. IC 25-23.6-8-2.5, AS AMENDED BY SEA 526-2007, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) An applicant **for a license as a marriage and family therapist** under section 1 **of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5** of this chapter must complete the following educational requirements:

(1) Except as provided in subsection (b), ~~complete~~ twenty-seven (27) semester hours or forty-one (41) quarter hours of graduate coursework that must include graduate level course credits with material in at least the following content areas:

(A) Theoretical foundations of marriage and family therapy.

(B) Major models of marriage and family therapy.

(C) Individual development.

(D) Family development and family relationships.

(E) Clinical problems.

(F) Collaboration with other disciplines.

(G) Sexuality.

(H) Gender and sexual orientation.

(I) Issues of ethnicity, race, socioeconomic status, and culture.

(J) Therapy techniques.

(K) Behavioral research that focuses on the interpretation and application of research data as it applies to clinical practice.

The content areas may be combined into any one (1) graduate level course, if the applicant can prove that the coursework was

- 1 devoted to each content area.
- 2 (2) Not less than one (1) graduate level course of two (2) semester
- 3 hours or three (3) quarter hours in the following areas:
- 4 (A) Legal, ethical, and professional standards issues in the
- 5 practice of marriage and family therapy or an equivalent
- 6 course approved by the board.
- 7 (B) Appraisal and assessment for individual or interpersonal
- 8 disorder or dysfunction.
- 9 (3) At least one (1) supervised clinical practicum, internship, or
- 10 field experience in a marriage and family counseling setting that
- 11 meets the following requirements:
- 12 (A) The applicant provided five hundred (500) face to face
- 13 client contact hours of marriage and family therapy services
- 14 under the supervision of a licensed marriage and family
- 15 therapist who has at least five (5) years of experience or a
- 16 qualified supervisor approved by the board.
- 17 (B) The applicant received one hundred (100) hours of
- 18 supervision from a licensed marriage and family therapist who
- 19 has at least five (5) years experience as a qualified supervisor.
- 20 The requirements under ~~subdivisions~~ **clauses** (A) and (B) may be
- 21 met by a supervised practice experience that took place away
- 22 from an institution of higher education but that is certified by an
- 23 official of the eligible postsecondary educational institution as
- 24 being equivalent to a graduate level practicum or internship
- 25 program at an institution accredited by an accrediting agency
- 26 approved by the United States Department of Education
- 27 Commission on Recognition of Postsecondary Education, the
- 28 Association of Universities and Colleges of Canada, or the
- 29 Commission on Accreditation for Marriage and Family Therapy
- 30 Education.
- 31 (b) The following graduate work may not be used to satisfy the
- 32 content area requirements under subsection (a):
- 33 (1) Thesis or dissertation work.
- 34 (2) Practicums, internships, or fieldwork."
- 35 Page 29, line 36, after "applicant" insert **"for a license as a**
- 36 **marriage and family therapist"**.
- 37 Page 30, between lines 23 and 24, begin a new paragraph and insert:
- 38 "SECTION 65. IC 25-23.6-8-3 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. An individual who
 2 satisfies the requirements of ~~sections 1 and 2~~ **section 1** of this chapter,
 3 **except for the requirement under section 1(6) of this chapter**, may
 4 take the examination provided by the board.

5 SECTION 66. IC 25-23.6-8-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The board shall issue
 7 a **marriage and family therapist** license to an individual who:

- 8 (1) achieves a passing score, as determined by the board, on the
- 9 examination provided under this chapter; and
- 10 (2) is otherwise qualified under this article.

11 SECTION 67. IC 25-23.6-8-8 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) A **marriage and**
 13 **family therapist** license issued by the board is valid for the remainder
 14 of the renewal period in effect on the date the license was issued.

15 (b) An individual may renew a **marriage and family therapist**
 16 license by:

- 17 (1) paying a renewal fee on or before the expiration date of the
- 18 license; and
- 19 (2) completing not less than fifteen (15) hours of continuing
- 20 education each licensure year.

21 (c) If an individual fails to pay a renewal on or before the expiration
 22 date of a license, the license becomes invalid.

23 SECTION 68. IC 25-23.6-8-8.5 IS ADDED TO THE INDIANA
 24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2007]: **Sec. 8.5. (a) A marriage and family**
 26 **therapist associate license issued by the board is valid for the**
 27 **remainder of the renewal period in effect on the date the license**
 28 **was issued.**

29 **(b) An individual may renew a marriage and family therapist**
 30 **associate license one (1) time by paying a renewal fee on or before**
 31 **the expiration date of the license.**

32 **(c) If an individual fails to pay a renewal on or before the**
 33 **expiration date of a license, the license becomes invalid.**

34 SECTION 69. IC 25-23.6-8-9 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The board may
 36 reinstate an invalid **marriage and family therapist** license **issued**
 37 **under section 1 of this chapter** up to three (3) years after the
 38 expiration date of the license if the individual holding the invalid

1 license meets the requirements under IC 25-1-8-6.

2 (b) If more than three (3) years have elapsed since the date a
3 **marriage and family therapist** license expired, the individual holding
4 the license may renew the license by satisfying the requirements for
5 renewal established by the board and meeting the requirements under
6 IC 25-1-8-6.

7 (c) **The board may reinstate an invalid marriage and family**
8 **therapist associate license issued under section 1.5 of this chapter**
9 **up to six (6) months after the expiration date of the license if the**
10 **individual holding the invalid license meets the requirements under**
11 **IC 25-1-8-6.**

12 SECTION 70. IC 25-23.6-8-11 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) An individual
14 who is licensed **as a marriage and family therapist** under **section 1**
15 **of this ~~article~~ chapter** shall notify the board in writing when the
16 individual retires from practice.

17 (b) Upon receipt of the notice, the board shall:

- 18 (1) record the fact the individual is retired; and
- 19 (2) release the individual from further payment of renewal fees
20 and continuing education requirements.

21 SECTION 71. IC 25-23.6-8-13 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. An individual who
23 applies for a **marriage and family therapist** license under **section 1**
24 **of this ~~article~~ chapter** may be exempted by the board from the
25 examination requirement under this chapter if the individual:

- 26 (1) is licensed or certified to practice as a marriage and family
27 therapist in another state; or
- 28 (2) has engaged in the practice of marriage and family therapy for
29 at least three (3) of the previous five (5) years;
- 30 (3) has passed a licensing examination substantially equivalent to
31 the licensing examination required under this article;
- 32 (4) has passed an examination pertaining to the marriage and
33 family therapy laws and rules of this state; and
- 34 (5) has not committed any act or is not under investigation for any
35 act that constitutes a violation of this article;

36 and is otherwise qualified under ~~sections~~ **section 1 and 2** of this chapter
37 and pays an additional fee."

38 Page 33, delete lines 6 through 42.

1 Delete pages 34 through 48.

2 Page 49, delete lines 1 through 2, begin a new paragraph and insert:

3 "SECTION 76. IC 36-7-4-201.2 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2007]: **Sec. 201.2. (a) As used in this section,**
6 **"home occupation" means an occupation, profession, activity, or**
7 **use that:**

8 (1) is conducted entirely within an enclosed single family
9 residence;

10 (2) is clearly an incidental and secondary use of the single
11 family residence; and

12 (3) does not alter the exterior of the property or affect the
13 residential character of the neighborhood.

14 (b) Subject to subsection (c), a zoning ordinance must allow one
15 (1) or more occupants of a single family residence to engage in a
16 home occupation of providing instruction in music.

17 (c) This section does not prohibit a unit from imposing
18 conditions concerning noise, advertising, traffic, hours of
19 operation, or any other condition relevant to the use of a single
20 family residence for a home occupation.

21 (d) A zoning ordinance in violation of this section is void."

22 Page 49, line 5, after "IC 25-8-16" delete "." and insert ";
23 IC 25-23-1-28."

24 Page 49, after line 34, begin a new paragraph and insert:

25 "SECTION 79. [EFFECTIVE JULY 1, 2007] (a) **Notwithstanding**
26 **IC 25-23.3, as added by this act, IC 25-23.3 may not be**
27 **implemented until July 1, 2008.**

28 (b) **The Indiana state board of nursing shall, not later than June**
29 **30, 2008, adopt rules under IC 4-22-2 to administer IC 25-23.3, as**

- 1 **added by this act.**
- 2 **(c) This SECTION expires July 1, 2008."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to SB 335 as printed February 23, 2007.)

and when so amended that said bill do pass.

Representative Brown C